

# City Council Agenda

Council President  
**Mike Dages**

Councilmembers

Tom Boyajian  
Brian Calhoun  
Jerry Duncan

Henry T. Perea  
Cynthia Sterling  
Larry Westerlund

City Manager  
**Andrew T. Souza**

City Clerk  
**Rebecca E. Klisch, CMC**

City Attorney  
**Hilda Cantú Montoy**

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650

The City Council welcomes you to this meeting.

**September 27, 2005**

If you would like to speak fill out a speaker request form available from the City Clerk's Office and in the Council Chambers. The agenda is available on ([www.ci.fresno.ca.us](http://www.ci.fresno.ca.us)). The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. p.m. and re-played beginning at 8:30 p.m.

## **8:30 A.M. ROLL CALL**

Invocation by Chaplain Greg McAllister of the Fresno Police Department

Pledge of Allegiance to the Flag

## **Ceremonial Presentations:**

Proclamation of "SUSAN G. KOMEN BREAST CANCER FOUNDATION CENTRAL VALLEY AFFILIATE DAY" – Councilmember Sterling

Recognition of the PeopleSoft Implementation Team - Finance and Information Services Dept. ***(Reception immediately following – 2<sup>nd</sup> floor foyer)***

Council action on unscheduled items if any shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda. For each matter considered by the Council there will first be a staff presentation followed by a presentation from the project applicant. Testimony from those in attendance will then be taken. All testimony given will be limited to three minutes per person.

The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker. The green light will be turned on when the speaker begins. The yellow light will come on with one minute remaining and one tone will sound. The speaker should be completing the testimony by the time the red light comes on and two tones sound, indicating that time has expired.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve minutes of September 20, 2005

**Action Taken:**

Councilmember Reports and Comments

**Action Taken**

Approve Agenda

**Action Taken:**

Adopt Consent Calendar

**Action Taken:**

1. **GENERAL CONSENT CALENDAR**

(All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered immediately following.

- A. \* Award a five-year contract with optional extensions to West Coast Waste Co. Inc. of Fresno, Tule Ranch/Magan Ranch of Fresno, and Earthwise Organics of Fresno for beneficial reuse of biosolids/green waste – Dept. of Public Utilities/Solid Waste Division

**Action Taken:**

- B. \* Approve the acquisition of a street easement from 1334 W. Clinton Avenue owned by Twin Furniture Store No. 5, Inc., a California Corporation – Public Works Dept.

**Action Taken:**

- C. \* Approve sale of 0.041 acres of land for the widening and improvement of Friant Road to the County of Fresno – Public Works Dept.

**Action Taken:**

- D. Approve substitution of subcontractor for intersection improvements at Shaw and West Avenues, bus bay at Shaw and Feland Avenues, CIPs PW00205 and PW00207 – Public Works Dept.

**Action Taken:**

- E. \* **RESOLUTION** – 29<sup>th</sup> amendment to AAR No. 2005-289 appropriating \$119,400 for the formation of the Community Facilities District No. 2005-01 and the Community Facilities District No. 14 (**Requires 5 affirmative votes**) – Public Works Dept.

**Action Taken:**

- F. \* **RESOLUTION** – 28th amendment to AAR No. 2005-286 appropriating \$225,800 in Proposition 12 – Parks and Recreation grants to fund the construction of Phase I of the Eaton Plaza Amphitheater Project (**Requires 5 affirmative votes**) - Public Works Dept.

**Action Taken:**

- 1 \* Award a contract in the amount of \$544,950 for the base bid, to DL Construction of Fresno for the construction of the Eaton Plaza Amphitheater, Phase 1 Project

**Action Taken:**

- G. Approve grants for flood and avigation easements and issue notice and acknowledgement for right-to-farm – Al Radka Community Park – Public Works Dept.

**Action Taken:**

1. **GENERAL CONSENT CALENDAR CONTINUED**

- H. \* Approve extension of agreement with Cost Recovery Systems for preparation and filing of State mandated cost claims (SB 90) – Finance Dept.  
**Action Taken:**
- I. \* Authorize the renewal of Fresno County Interagency Council Agreement and amendment – PR&CS  
**Action Taken:**
- J. **RESOLUTION** – Authorizing acceptance of the U.S. Department of Justice, Bureau of Justice Assistance 2005 Cycle Bulletproof Vest Partnership Grant Award of \$24,525 and execution of program documents – Police Dept.  
**Action Taken:**  
1. \* **RESOLUTION** – 24<sup>th</sup> amendment to AAR No. 2005-286 appropriating \$24,600 of the bulletproof vest partnership grant award (***Requires 5 affirmative votes***)  
**Action Taken:**
- K. \* **RESOLUTION** – 25<sup>th</sup> amendment to AAR No. 2005-286 re-appropriating \$171,000 of the State Homeland Security Grant 2004 expenditure reimbursement (***Requires 5 affirmative votes***) – Police Dept.  
**Action Taken:**
- L. \* **RESOLUTION** – 26<sup>th</sup> amendment to AAR No. 2005-286 appropriating \$48,000 of the COPS in Schools 2004 Grant reimbursement (***Requires 5 affirmative votes***) - Police Dept.  
**Action Taken:**
- M. Consideration of proposed Byrd-Clovis No.1 Reorganization and approval to file with the Fresno Local Agency Formation Commission (LAFCO) for the detachment of certain territory consisting of approximately 12 acres from the Fresno County Fire Protection District and the Kings River Conservation District and annexation of the same territory to the City of Fresno (***Property located in District 5***) – Planning and Development Dept.  
**Action Taken:**  
1. Affirm the action of the City Council of June 7, 2005, adopting the environmental finding of Environmental Assessment No. R-04-87/T-5376 dated October 28, 2004, that the project proposal conforms to the provision of MEIR No. 10130 for the 2025 Fresno General Plan.  
**Action Taken:**  
2. **RESOLUTION** – Applying to the Fresno Local Agency Formation Commission (LAFCO) in the matter of the proposed Byrd-Clovis No. 1 Reorganization  
**Action Taken:**
- N. Consideration of proposed Heaton-Burgan No. 1 Reorganization and approval to file with the Fresno Local Agency Formation Commission (LAFCO) for the detachment of certain territory consisting of approximately 2.2 acres from the Fresno County Fire Protection District and the Kings River Conservation District and annexation of the same territory to the City of Fresno. (***Property located in District 5***) – Planning and Development Dept.  
**Action Taken:**  
1. Affirm the action of the City Council of December 14, 2004, adopting the environmental finding of Environmental Assessment No. R-04-78/T-5377 dated August 24, 2004, that the project proposal conforms to the provision of MEIR No. 10130 for the 2025 Fresno General Plan  
**Action Taken:**  
2. **RESOLUTION**- Applying to the Fresno Local Agency Formation Commission (LAFCO) in the matter of the proposed Heaton-Burgan No. 1 Reorganization  
**Action Taken:**

1. **GENERAL CONSENT CALENDAR CONTINUED**

- O. **RESOLUTION** - Approving the Final Map of Tract No. 5458 and accepting dedicated public uses therein; authorize the Public Works Director, Public Utilities Director, Planning and Development Director, and Fire Chief to execute the necessary documents – Planning and Development Dept.  
**Action Taken:**
- P. **RESOLUTION** - Approving the Final Map of Tract No. 5325 and accepting dedicated public uses therein; authorize the Public Works Director and the Planning and Development Director to execute the necessary documents – Planning and Development Dept.  
**Action Taken:**
- Q. \* Authorize City Manager to negotiate and execute a Transition Agreement with North Central Fire Protection District – Fire Dept.  
**Action Taken:**
- R. \* **RESOLUTION** - 23rd amendment to AAR No. 2005-286 to rebudget \$717,900 from various council district infrastructure funds based on the carry-over balances from Fiscal Year 2005 (***Requires 5 affirmative votes***) - Finance Dept./Budget Division  
**Action Taken:**
- S. **RESOLUTION** - Approving the Final Map of Tract No. 5433 and accepting dedicated public uses therein; authorize the Public Works Director and the Planning and Development Director to execute the necessary documents – Planning and Development Dept.  
**Action Taken:**
1. \* **RESOLUTION** – 30th amendment to AAR No. 2005-286 appropriating \$38,300 for the purpose of funding right-of-way acquisition in UGM Tract 5433 (***Requires 5 affirmative votes***)  
**Action Taken:**
- T. \* **BILL NO. B– 100 (Intro. 9/20/2005) (For adoption)** - Amending the Fresno Municipal Code repealing the bike license requirement – Fire Dept.  
**Action Taken:**
- U. **BILL - (For introduction)-** Repealing Ordinance No. 2000-49 and adopting ordinance fixing the compensation of elective officers – Councilmember Duncan  
**Action Taken:**
- V. \* Approve extension of an interim requirements contract to West Coast Arborist, Inc., of Anaheim, CA for maintenance of municipal trees – Public Works Dept.  
**Action Taken:**
1. Reject all bids for a requirements contract for maintenance of the street tree component of the municipal forest RFP No. 8717  
**Action Taken:**

**CONTESTED CONSENT CALENDAR**

(The item listed below was pulled from the August 20, 2005 agenda)

- A. Recommend approval of an increase to the loan amount of the Home Buyer Assistance Program to a maximum of \$50,000 - Planning and Development – Councilmember Calhoun  
**Action Taken:**

2. **GENERAL ADMINISTRATION**

- A. Consider Mayor Autry's request for reconsideration of award of contract to Bowen Engineering and Environmental for building demolition at 800 and 808 "M" Street  
**Action Taken:**
- B. \* **RESOLUTION** – Adopting an Investment Policy for public funds for Fiscal Year 2005-2006 – Finance Dept.  
**Action Taken:**
- C. \* **RESOLUTION** - Adopting Amnesty Program for collection of unpaid parking tickets – Public Works Dept./Finance Dept.

3. **CITY COUNCIL**

**SCHEDULED COUNCIL HEARINGS AND MATTERS**

- 9:00 A.M. A. **SCHEDULED COMMUNICATION**  
1. Appearance by Joe and Coe Sahakian regarding code enforcement
- B. **UNSCHEDULED COMMUNICATION** – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date.

- 9:05 A.M. Approve Amendment No. 2 to Agreement for professional services between City of Fresno and the Buske Group regarding cable T.V. franchise renewal – Information Services Department  
**Action Taken:**

9:30 A.M. #2 **CLOSED SESSION**

- A. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a)  
1. **Case Name:** City of Fresno v. Target Corporation, a Minnesota Corporation; Fresno Metropolitan Flood Control District; Fresno Irrigation District; State of California; W.J. French H. Hyrley; A.L. Funch; Ellen Funch; Pacific Southwest Realty Company Montgomery Ward Development Corporation; Thriftmart, Inc.; County of Fresno; The Pacific Telephone and Telegraph Company; BR Enterprise; Gerald A. Slater; Joyce D. Slater; Krausz Enterprises; and Does 1 through 25, inclusive  
**Action Taken:**
- B. **CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION** - Government Code Section 54956.9, Subdivision (b)  
**Significant Exposure to Litigation:**  
1. **Case Name:** Caltrans v. City of Fresno (Fancher Creek, Real Party in Interest)  
**Action Taken:**
- C. **CONFERENCE WITH LEGAL COUNSEL - DECIDING WHETHER TO INITIATE LITIGATION** - Government Code Section 54956.9, Subdivision(c)  
1. **Potential Case Name:** City of Fresno v. National Railroad Passenger Corporation ("Amtrak")  
**Action Taken:**

## **SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

### **9:30 A.M. #3      CLOSED SESSION ANNOUNCEMENTS (IF ANY)**

- 10:00 A.M.**      **HEARING** to consider the “Winery Estates” Condominium Conversion Application and Vesting Tentative Tract Map No. 5409, filed by United Development Group, Inc., pertaining to 4.36 acres of R-3 (*Medium Density Multiple Family Residential*) zoned property located on the northwest corner of East McKinley and North Winery Avenues (***Property located in District 4***) – Planning and Development Dept.
- Action Taken:**
1.      Consider and adopt Categorical Exemption for Environmental Assessment No. T-5409  
**Action Taken:**
  2.      **RESOLUTION** – Approving Vesting Tentative Tract Map No. 5409 proposing the creation of a one common lot condominium map; and the conversion of the “Winery Estates” multiple-family apartment complex into a condominium project  
**Action Taken:**
- 10:15 A.M.**      **CONTINUED HEARING-** Regarding altering the services, the special tax and the appropriations limit for City of Fresno Community Facilities District No. 2, Annexation No. 61 (Final Tract Map No. 4598 ) – Public Works Dept.
- Action Taken:**
- a.      \* **RESOLUTION** - Of consideration to change the rate and method of apportioning the special tax and establishing a new maximum special tax for Annexation No. 61, Final Tract No. 4598 of Community Facilities District No. 2  
**Action Taken:**
- 10:20 A.M.**      **CONTINUED HEARING** to consider the formation of Community Facilities District No. 14, Final Tract Map No. 5350 (Running Horse Maintenance) – Public Works Dept.
- Action Taken:**
- a.      **RESOLUTION** – Forming Community Facilities District No. 14, Final Tract Map No. 5350 (Running Horse) and authorizing the levy of a special tax  
**Action Taken:**
  - b.      **RESOLUTION** – Calling a special mailed-ballot election  
**Action Taken:**
  - c.      **RESOLUTION** – Declaring election results  
**Action Taken:**
  - d.      \* **BILL** – Levying a special tax for the property tax year 2005 -2006 and future tax years within Community Facilities District No. 14, Final Tract Map No. 5350 (Running Horse)  
**Action Taken:**
- 10:30 A.M.**      **CONTINUED HEARING** to consider Rezone Application No. R-05-02 and environmental findings, filed by Dunmore Homes on behalf of Frank & Herky Urabe, William & Barbara Graham, Ureka Herr & Nzue Siong, Roland Peek, Terry & Pam Carter, Rosemary Rendon, Robert & Bennie Leininger, Lennie & Dolores Hill, and James Dirlam, pertaining to 67 acres of property located on the north side of E. Dakota Avenue between N. Temperance and N. Armstrong Avenue (***Property located in District 4***) – Planning and Development Dept.
- Action Taken:**
- a.      Consider and adopt Environmental Assessment No. R-05-02/T-5461/C-05-22, Finding of Conformity to MEIR No. 10130 for the 2025 Fresno General Plan  
**Action Taken:**
  - b.      **BILL** – Amending the Official Zone Map to rezone the subject property from the R-A/UGM (*Single Family Residential-Agricultural/Urban Growth Management*) zone district and R-A (*Single Family Residential-Agricultural, Fresno County*) to the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district to allow for the development of a 257-lot single family residential subdivision  
**Action Taken:**

## **SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

**10:45 A.M. CONTINUED HEARING** to consider approval of documents relating to establishment of the following: new Quimby Act Parkland Dedication fee, new Parks Facility fee, new Police Facility fee, Citywide Fire Facility Impact fee, and related environmental exemption and conformity with General Plan and Impact Fee studies - Public Works

**Action Taken:**

- a. \* **RESOLUTION** – 434<sup>th</sup> amendment to MFS Resolution No. 80-420 to establish Citywide Quimby Park fees, park, police and fire impact fees  
**Action Taken:**
- b. \* **BILL NO. B-107 (Intro. Sept. 20, 2005) (For adoption)** - Adding Section 12-1027 to the Fresno Municipal Code requiring the dedication of parkland or payment of fees in lieu thereof as a condition of approval of residential subdivisions  
**Action Taken:**
- c. **RESOLUTION** – Setting the Parkland dedication in-lieu fee amount pursuant to Section 12-1027 of the Fresno Municipal Code  
**Action Taken:**
- d. \* **BILL NO. B-108 (Intro. Sept. 20, 2005) (For adoption)** - Adding Article 4.7 to Chapter 12 of the Fresno Municipal Code establishing a park facilities fee  
**Action Taken:**
- e. **RESOLUTION** – Adopting a park facilities fee to be imposed upon future development in the City of Fresno pursuant to Article 4.7 of Chapter 12 of the Fresno Municipal Code  
**Action Taken:**
- g. \* **BILL – NO. B-109 (Intro. Sept. 20, 2005) (For adoption)** - Adding Article 4.8 to Chapter 12 of the Fresno Municipal Code establishing a police facilities fee  
**Action Taken:**
- h. **RESOLUTION – (Option 1)** - Adopting a police facilities fee to be imposed upon future development in the City of Fresno pursuant to Article 4.8 of Chapter 12 of the Fresno Municipal Code  
**Action Taken:**
- i. **RESOLUTION – (Option 2)** - Adopting a police facilities fee to be imposed upon future development in the City of Fresno pursuant to Article 4.8 of Chapter 12 of the Fresno Municipal Code  
**Action Taken:**
- j. \* **BILL – NO. B-110 (Intro. Sept. 20, 2005) (For adoption)** - Adding Article 4.9 to Chapter 12 of the Fresno Municipal Code establishing a fire facilities fee  
**Action Taken:**
- k. **RESOLUTION – (Option 1)** - Adopting the fire facilities fee to be imposed upon future development in the City of Fresno pursuant to Article 4.9 of Chapter 12 of the Fresno Municipal Code  
**Action Taken:**
- l. **RESOLUTION – (Option 2)** - Adopting the fire facilities fee to be imposed upon future development in the City of Fresno pursuant to Article 4.9 of Chapter 12 of the Fresno Municipal Code  
**Action Taken:**

## **SCHEDULED COUNCIL HEARINGS AND MATTERS**

Oct.	4 -	10:00 A.M.	<b>HEARING</b> re: Rezone Application No. R-04-67, filed by Claude Saiz Jr.
Oct	4 -	10:30 A.M.	<b>CONTINUED HEARING</b> to consider designation of the W.D. Coates Home, located at 264 North Van Ness Avenue and Black's Package Company (Gottschalk's Service Center), located at 755 Van Ness Avenue to the Local Register of Historic Resources
Oct.	4 -	10:45 A.M.	<b>BILL – (For introduction)</b> – Amending the Fresno Municipal Code to repeal Section 8-1217 regarding removal of the sunset provision of the Mobilehome Park Rent Review and Stabilization ordinance
Oct.	4 -	2:30 P.M.	<b>CONTINUED HEARING</b> – Amending the MFS Resolution to add and adjust various Department of Public Utilities Community Sanitation, Solid Waste, Wastewater, and Water Fees
Oct..	4 -	4:30 P.M.	Continued deliberations with the Redevelopment Agency regarding the Convention Center Redevelopment Plan:
Oct.	18 -	<b>NO MEETING - COUNCIL BREAK</b>	
Oct.	25 -	8:30 A.M.	Presentation of P.R.I.D.E. Team Certificates (Reception immediately following – 2 <sup>nd</sup> floor foyer)
Oct.	25 -	10:00 A.M.	<b>HEARING</b> re: vacation of a portion of Harvey east of Clovis (R.I. No. 1045-D)
Oct.	25 -	10:15 A.M.	<b>HEARING</b> re: Resolution of intention to annex Final Tract No. 5285 to the City of Fresno Community Facilities District No. 2, Annexation No. 106
Oct.	25 -	3:00 P.M.	<b>HEARING</b> re: Rezone Application No. R-04-48 and C-04-126, filed by Gary Vigen
Oct.	25 -	4:00 P.M.	<b>HEARING</b> - 2005 Cycle II Trimester Plan Amendments
Nov.	8 -	<b>MEETING CANCELED – SPECIAL ELECTION DAY</b>	
Nov.	9 – (Wed)	3:00 P.M.	Presentation of Employee Service Awards in the Council Chambers with a reception immediately following – 2 <sup>nd</sup> floor foyer)
Nov.	15 -	10:30 A.M.	Quarterly report on the progress of the West Fresno Workgroup on implementing the recommendations of the West Fresno Community Vision Plan – Councilmember Sterling
Nov.	22 -	<b>NO MEETING - THANKSGIVING WEEK</b>	
Dec.	20 -	<b>NO MEETING - CHRISTMAS WEEK</b>	
Dec.	27-	<b>NO MEETING - NEW YEARS WEEK</b>	

### **(Future workshops – dates to be determined)**

**WORKSHOP** – Follow-up discussion regarding Caltrans discussion held 12/7/2004